

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 DHA-02 L-03 SCA-01 SS-15 NSC-05
USIE-00 PRS-01 H-01 SCS-03 SSO-00 NSCE-00 /046 W
-----018206 301619Z /45
O 301540Z JUL 77
FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC NIACT IMMEDIATE 3057
AMCONSUL RECIFE IMMEDIATE

C O N F I D E N T I A L SECTION 1 OF 2 BRASILIA 6360

EO 11652 GDS
TAGS CARR SHUM BR
SUBJECT: CAPUANO VISA DENIAL

REF: STATE 174269

1. REFTTEL, DATED JULY 26, WAS RECEIVED IN BRASILIA JULY 28 AFTER
EMBASSY REQUESTED SERVICE ON NUMBER MISSING FROM JULY 26 TRAFFIC,
2. BELOW IS AMCONSUL RECIFE'S RESPONSE TO PARA 2 REFTTEL, FOLLOWED BY
EMBASSY COMMENT. EMBASSY SUGGESTIONS RE REVISION OF INSTRUCTION
CONTAINED REFTTEL IN LIGHT OF ACTIONS TAKEN AS DETAILED BELOW
ARE IN PARA 6 BELOW.

3. FOLLOWING IS AMCONSUL RECIFE'S REPORT:

A. AT A CHANCE MEETING IN A RECIFE RESTAURANT ON JULY 17, RANDALL
SCHERTZ, THE DIRECTOR OF THE MENNONITE CENTRAL COMMITTEE IN
RECIFE, TOLD VICE CONSUL DAVID LYON THAT CAPUANO'S APPLICATION FOR
A PERMANENT VISA HAD BEEN DENIED AND THAT HE WOULD BE LEAVING BRAZIL.
MR. SCHERTZ SAID THAT HE HAD KNOWN ABOUT THIS FOR A FEW DAYS
AND DID NOT NEED ANY ASSISTANCE FROM THE CONSULATE BECAUSE THE
MENNONITE CENTRAL COMMITTEE DID NOT PLAN TO CONTEST THE DECISION
WHICH IT BELIEVED TO BE CONSISTENT WITH BRAZILIAN LAW. ACCORDING TO
SCHERTZ, CAPUANO WOULD HAVE EIGHT DAYS TO DEPART BRAZIL AFTER
RECEIVING NOTICE OF THE DETERMINATION UPON HIS RETURN TO RECIFE.
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THIS WAS REPORTED IN RECIFE'S 0153 ON JULY 19.

B. ON JULY 20 VICE CONSUL LYON CALLED THE MENNONITE CENTRAL COMMITTEE
AND, IN THE ABSENCE OF ANY MEMBERS OF THE STAFF, SPOKE WITH A
VOLUNTEER WHO CONFIRMED REPORTS IN THE MORNING PAPERS THAT CAPUANO
WOULD DEPART BRAZIL THAT DAY. SINCE THIS WAS SOONER THAN THE
CONSULATE HAD BEEN LED TO BELIEVE, MR. LYON LEFT A MESSAGE FOR MR.

CAPUANO TO CALL HIM AT THE CONSULATE. IN A LATER PHONE CONVERSATION THAT DAY, CAPUANO CONFIRMED THAT HIS APPLICATION FOR A PERMANENT VISA HAD BEEN DENIED AND THAT HE DID NOT INTEND TO CONTEST THE DECISION. MR. LYON ALSO CALLED THE OBLATE FATHERS TO CHECK ON FATHER ROSEBAUGH AND WAS TOLD BY ONE OF THE OBLATES THAT ROSEBAUGH WAS BACK ON THE JOB AND HAD HAD NO CONTACT WITH POLICE OR IMMIGRATION AUTHORITIES SINCE THE POLICE BOARD HEARINGS. THIS WAS REPORTED IN RECIFE'S 0156 ON JULY 21.

C. ON JULY 21 THE PRINCIPAL OFFICER TELEPHONED MR. SCHERTZ AND IN HIS ABSENCE SPOKE WITH MRS. SCHERTZ. ACCORDING TO HER, MR. SCHERTZ HAD SAID GOODBYE TO MR. CAPUANO ON THE MORNING OF JULY 21 PRIOR TO DEPARTING FOR A FOUR DAY STAY IN SAO PAULO. SHE SAID THAT THE MCC DID NOT WISH TO CONTEST THE BRAZILIAN GOVERNMENT'S DECISION DENYING CAPUANO A PERMANENT RESIDENT VISA AND THAT EVERYONE WAS SURPRISED AT THE RENEWED PRESS ATTENTION. SHE SAID THAT MR. SCHERTZ HAD INSTRUCTED MR. CAPUANO NOT TO DISCUSS THE CASE WITH THE PRESS.

D. ON JULY 24 THE PRINCIPAL OFFICER CALLED ON THE SUPERINTENDENT OF THE FEDERAL POLICE TO DISCUSS THIS CASE AND THE DEPORTATION HEARINGS IN PROGRESS CONCERNING SWISS PRIEST ROMANO ZUFFERY. THE SUPERINTENDENT SAID THAT THE ACTIONS IN BOTH CASES WERE INITIATED IN BRASILIA AND THAT THE ROLE OF THE FEDERAL POLICE IN RECIFE WAS SIMPLY TO TAKE STATEMENTS FROM THE PERSONS WHO HAPPEN TO BE RESIDING HERE. WITH REGARD TO CAPUANO, THE SUPERINTENDENT CLAIMED THAT THE DENIAL OF THE RESIDENCE VISA WAS BASED SOLELY ON THE FACT CONFIDENTIAL

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THAT CAPUANO DID NOT HAVE FORMAL TRAINING IN SOCIAL SERVICE WORK AND THAT THERE WERE PLENTY OF PEOPLE COMING OUT OF BRAZILIAN UNIVERSITIES WITH TRAINING IN THIS FIELD. HE SAID THAT CAPUANO WAS GIVEN A FIFTEEN DAY EXTENSION OF HIS TEMPORARY VISA TO PROVIDE PROOF OF HIS TRAINING IN SOCIAL SERVICE WORK AND THAT THE NOTICE OF EIGHT DAYS IN

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FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC NIACT IMMEDIATE 3058

AMCONSUL RECIFE IMMEDIATE

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WHICH TO LEAVE BRAZIL WAS GIVEN AT THE EXPIRATION OF THAT FIFTEEN DAY PERIOD WHEN CAPUANO FAILED TO PROVIDE ANY DOCUMENTS. HE SAID THAT CAPUANO WAS FREE TO VISIT BRAZIL WITH A TOURIST VISA.

E. THE GOVERNOR OF PERNAMBUCO TOLD THE PRESS ON JULY 26 THAT THE POLICE INVESTIGATION CONCERNING THE CAPUANO AND ROSEBAUGH ARRESTS HAS BEEN COMPLETED AND THAT THE GOVERNOR WOULD TURN IT OVER TO THE SECRETARY OF JUSTICE NEXT WEEK AFTER RECEIVING THE RECOMMENDATIONS OF THE HEAD OF THE POLICE SPECIAL INVESTIGATORY BOARD AND THE SECRETARY

OF PUBLIC SECURITY. THE PRINCIPAL OFFICER CONFIRMED THIS WITH THE GOVERNOR ON JULY 28.

F. THE CONSULATE DID NOT CONTACT THE BRAZILIAN GOVERNMENT PRIOR TO MR. CAPUANO'S DEPARTURE BECAUSE:

(A) NEITHER CAPUANO NOR THE MCC WISHED TO CONTEST THE ACTION AND NEITHER REQUESTED ANY ASSISTANCE FROM THE CONSULATE.

(2) BOTH CAPUANO AND THE MCC BELIEVE THAT THE FEDERAL POLICE ACTION WAS IN CONFORMANCE WITH BRAZILIAN IMMIGRATION LAW.

(3) THE CONSULATE HAD NO REASON TO BELIEVE THAT CAPUANO WOULD BE LEAVING BRAZIL AS EARLY AS JULY 21.

(4) THE DECISION TO DENY THE VISA AND ORDER CAPUANO TO LEAVE BRAZIL WAS SEEN AS A FEDERAL (BRASILIA) DECISION RATHER THAN A LOCAL ONE." END RECIFE REPORT.

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4. EMBASSY WAS IN CONSTANT TELEPHONE CONTACT WITH AMCONSUL RECIFE ON THIS MATTER FROM RECEIPT OF RECIFE'S 0153 ON JULY 20 UNTIL AFTER CAPUANO'S DEPARTURE FROM RIO AT MIDNIGHT JULY 21. UPON REDING OF CAPUANO'S IMMINENT DEPARTURE IN BRASILIA PRESS MORNING OF JULY 21, EMBASSY ALSO CALLED FOREIGN MINISTRY FOR CONFIRMATION AND INFORMATION CONCERNING GROUNDS FOR DENIAL OF CAPUANO'S PERMANENT VISA APPLIAATION. FOREIGN MINISTRY RETURNED CALL NEXT MORNING, STATING MATTER WAS STRICTLY WITHIN PURVIEW OF MINISTRY OF JUSTICE WHICH HAD PROCEEDED ACCORDING TO BRAZILIAN LAW. EMBASSY DID NOT PURSUE MATTER FURTHER BECAUSE OF INFORMATION PROVIDED BY AMCONSUL RECIFE THAT NEITHER MENNONITE CENTRAL COMMITTEE NOR CAPUANO WISHED TO CONTEXT BRAZILIAN DECISION AND THAT BOTH ACCEPTED DECISION AS CONSISTENT WITH BRAZILIAN LAW.

5. EMBASSY AND AMCONSUL RECIFE HAD NO BASIS ON WHICH TO RAISE QUESTION ABOUT CAPUANO DECISION BEING POLITICALLY MOTIVATED UNTIL AFTER CAPUANO'S DEPARTURE, WHEN JULY 22 REPORT IN O ESTADO DE SAO PAULO ATTRIBUTED TO UNIDENTIFIED FEDERAL POLICE SPOKESMAN AND PRESIDENTIAL PRESS SPOKESMAN AMBIGUOUS STATEMENTS REPORTED IN PARA 4 OF BRASILIA 6141.

6. IN VIEW OF ABOVE, EMBASSY RECOMMENDS THAT INSTRUCTION CONTAINED REFTEL BE AMENDED TO EXCLUDE THE FOURTH AND SIXTH SUB-PARAGRAPHS OF THE TALKING POINTS. WITH REGARD TO FOURTH POINT, PARA 2 (D) OF RECIFE'S REPORT ABOVE GIVES SPECIFIC GROUNDS FOR CAPUANO EXPULSION AND INDICATES THAT "CAPUANO WAS GIVEN A 15-DAY EXTENSION OF HIS TEMPORARY VISA TO PROVIDE PROOF OF HIS TRAINING IN SOCIAL SERVICE WORK AND THAT NOTICE OF EIGHT DAYS IN WHICH TO LEAVE BRAZIL WAS GIVEN AT THE EXPIRATION OF THAT FIFTEEN DAY PERIOD WHEN CAPUANO FAILED TO PROVIDE ANY DOCUMENTS."

7. SIXTH TALKING POINT OF INSTRUCTION IS COVERED BY PARAGRAPH 2(E)
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OF RECIFE'S REPORT ABOVE AND BY EARLIER RECIFE REPORT THAT GOVERNOR OF PERNAMBUCO TOLD CONSUL JULY 14 THAT HE WOULD GIVE CONSUL A COPY OF THE REPORT OF THE POLICE INVESTIGATION CONCERNING THE CAPUANO AND ROSEBAUGH ARRESTS (RECIFE 0151).

8. EMBASSY AGREES THAT IT IS DESIRABLE TO REQUEST FOREIGN MINISTRY TO CLARIFY GROUNDS ON WHICH DENIAL OF CAPUANO APPLICATION BASED IN VIEW OF STATEMENT ATTRIBUTED BY O ESTADO TO FEDERAL POLICE SOURCE AND PRESIDENTIAL PRESS SPOKESMAN, AND TO PROVIDE INFORMATION AS TO WHETHER SPOKESMAN DID IN FACT MAKE STATEMENT ATTRIBUTED TO HIM.

9. UNLESS DEPARTMENT PERCEIVES OBJECTION, EMBASSY THUS PLANS TO APPROACH FOREIGN MINISTRY AND MAKE FIRST, SECOND, THIRD AND FIFTH POINTS OF INSTRUCTION AT APPROPRIATELY HIGH LEVEL.

10. WE HAVE AN APPOINTMENT WITH AMBASSADOR HERMES PEIREIRA DE ARAUJO (CHIEF OF THE WESTERN HEMISPHERE DEPARTMENT), ON MONDAY, AUGUST 1 TO DISCUSS ANOTHER MATTER AND, IF POSSIBLE, WOULD LIKE TO USE THIS OCCASION TO MAKE PRESENTATION ON CAPUANO CASE. ACCORDINGLY, EMBASSY WOULD APPRECIATE RECEIVING THE DEPARTMENT'S CONCURRENCE TO THE REVISED TALKING POINTS IF POSSIBLE ON MONDAY AM.
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